

THE
Exorbitant Grants
OF
William the III.

Examin'd and Question'd.

SHEWING

The Nature of *Grants* in Successive and Elective Monarchies; and proving by Law and History, that *Crown-Lands* are Inalienable, That *Resumptions* were common all the World over; and likewise shewing, That where a Prince hath no Hereditary Title, he can make no Hereditary right. And that *Kings* set up by Parliament can dispose of no Lands but with the Consent of Parliament, which renders *William* the Third's Grants Totally void.

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THE
BRITISH MUSEUM
LONDON



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THE
BRITISH MUSEUM
LONDON

To the Queen's most Excellent
MAJESTY.

Madam,

AS these Papers which beg Your Majesty's Acceptance, are of the highest Importance and Concern to the Throne, so I cannot but lay 'em at Your Majesty's Feet, in Hopes they may have their intended Effect, and bring back those valuable Branches of the Revenue, which Your Majesty's Predecessor has Lopt from the Crown.

Not that I would assume to my self to question the Royal Prerogative, or the Title that is invested in the Crown, to Reward such as are well Deserving of Grace and Favour, but would distinguish between Elective Monarchies and those which are Successive, and make a Difference between a Prince that Possess'd the Throne by Vote of Parliament, and those whose Accession to it comes Gradually, and by Lineal Descent, and whose Call to the Imperial Dignity is the Voice of Nature. You have not only a Dominion over the Hearts of Your People, but
you

Epistle Dedicatory.

you are a Queen of their Vows and Expectations, and a Sovereign entirely their own in Birth and Education, which are Blessings never made known to a Nation under the Direction of a Foreign Ruler.

Wherefore, since Your Majesty's Reign has brought more Honour and Esteem to the English Nation in Ten Months, than your Predecessor in more than so many Years, and since an uninterrupted Series of Success has hitherto kept Company with Your Majesty's Arms, and Retriev'd the Reputation of a Land that has been render'd Inglorious by Miscarriages in the last Reign; give me Leave, Madam, with all Humility to endeavour at Ways and Means, to enable you to Compleat that Happiness You have given us so Bountiful a Taste of, and make us the Envy of the World in Your Majesty's Reign that had well nigh been the Contempt of it, in that of Another, which shall ever be the repeated Business and Labour of him who is, Madam,

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Your Majesty's most Faithful, most Obedient, and most Devoted Subject and Servant.

The

THE
Exorbitant Grants
 OF
William the III.

Examin'd and Question'd, &c.

SOME Interested, Desiging Persons, Composed Forreignros and Favourites, thought it (considerd their Losty Strations in the Last Reign) a most High Presumption the Commons of *England* should attempt to Resume the Exorbitant Grants of *William* the Third, and to prove the Resumption is no new Custom; I humbly offer to make it appear by History and Law, That the Commons attempted no more than what was Customary all the World over, and that Resuming the Crown Lands and Regalities, is in Imitation of their Ancestors, as by the Sequel will appear.

All Authors agree, that *Rome*, whether Monarchical, or Republick, was founded upon the choicest Pollicies

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that ever were practised in the World. And *Florus* tells us, That he that Reads the Achievements of the *Romans*, Contemplates not the Actions of one single People, but of all the World in them: Then let us consider what Expedients this Valiant and Prudent People exercised in Cases of National danger, and when they were wearied with Fatigues, loaded with Taxes, and their Country drooping for want of Money; which is the Life of the People, the Sinews of War, and the only Strength, and Prop of a State: which implies, That that *Kingdom* or *Principality*, whose Money, or Treasure becomes frivolously Exhausted, cannot expect to stand but must sink or perish upon her own Bottom, if not early reliev'd. But the *Romans*, to relieve themselves, and to suppress Taxes, and to Ease the People (when under the Greatest Duress of Extremity, after the Battle of *Cannæ*, when *Hannibal* broke into *Italy*, like a Deluge of the Sea, carrying all before him, and like a Tempest of War approach'd *Rome*, and surround and begirt it in a Juncture, when all the *Roman* Treasure was spent and exhausted) in this great Hardship, when *Rome* groan'd under Insupportable Burthens, *Levinus* and *Marcellus*, then Consuls, declar'd forthwith by Edict, that each private person, and all others proportionably, should furnish out a Soldier at their own Charge, for thirty days, *Ad id Edictum*, saith (*Livius*, lib. 29.) *Tantus fremitus hominum, tantaq; indignatio fuit ut magis Dux, quam materia Seditionis deesset*. Upon this Edict, so hot was the Rage, and and Petulancy of the People, that there wanted nothing but a Leader, to have put all into a Combustion: The Commonalty cried out; That they had been for many years loaded with Tribute and Taxes, that their Lands lay fresh, and devastated, and that they could not by any Force be compell'd to give that which they had not to give. This they breathed out in the hearing of the Consuls and

and Magistrates, in the open Market places. In so great an Agony of the Body Politick, the Lords of the Senate assembled to Consult how they might with more Security Levy Money; all their Proposals were rejected by the People: Then the Senate reason'd thus, as *Livius* and *Florus* relate, *Liv. lib. 26. Flor. lib. 2. Omne Aurum, Argentum, Aes signatum, ad Triumviros Mensarios Afferamus, nullo Senatus Consulto facto, ut voluntario Oblatio*, &c. Let Us that are Senators, bring first into the Treasury, all our Gold, Silver, and Money, and this without any formal Decree, that our Voluntary Offering may excite an Emulation of supplying the Commonwealth, first, in those of the Equestrian Order, and next the Commonalty: In pursuance of this Proposal, the Lords of the Senate brought in all their Treasure; and streight the Commonalty followed their good Example; and the Contributions were so great, that many Contests arose from Superiority of Registring Names. And *Bodin de Repub. lib. 6. c. 2. de Annio*, says, *Cum Hannibal Italiam quateret, urbemque ipsam Obsideret, Senatus diruto Aerario, nova Tributa subditis, aut sociis imperari voluit. Nihil enim praesentibus hostibus tam periculosum.* When *Hannibal* had made *Italy* tremble, and had Besieg'd *Rome*, the Senate, (tho' the Publick Treasure was spent) would not Impose new Taxes upon the People, but resumed the Publick Revenues.

And when *Augustus Caesar* had the sudden News brought him of a vast Army raised by *Mark Anthony*, to Encounter with him for the Empire of the World, *Augustus*, by Evil Council squeezed the People with Taxes towards the Support of the War: The People finding themselves beyond Measure oppressed, they Mutinyed to that Degree, (as *Plutarch* reports it in *Vita Antonii*) that the Wifest of these Times took it for granted, that if *Anthony* had but approached, the *Romans* would have cer-

tainly revolted, and deliver up *Augustus* into the Hands of *Anthony*; but the Imprudent delay of *Anthony* gave *Augustus* time for the Sedation of the People's Passion; and upon all Occasions ever after, *Augustus* took contrary Measures, by resuming all the Grants made to his Friends and Favourites; so that, during his Reign, he made the People Easie, which was the most prudent Policy any Prince could have thought of; since Experience teacheth us, That no Prince can be happy without the Good-will of his Subjects.

Farther, *Boterus de Politia Illustrum, Lib. 7. Cap. 3.* says: *Ladislaus Dux Neopolitanus Victus, fugatusq; ab hoste, &c.* *Ladislaus* Duke of Naples being Vanquish'd by the Enemy, flies to Naples, and there he Consulted how to raise Money to Re-inforce his Army with, and resolved, by Advice of some Persons to Effect it, by imposing new unusual Taxes upon the People; but *Gorellus*, that was his best Friend, comes to know of this perverse Advice; which Advice, as fatal to the Duke's Designs, *Gorellus* reject-ed, and got the Publick Revenues to be Resumed. Whereby it appears, That all Monarchies and States held it for a General and Universal Rule, and Law, That the publick Revenues should be held Holy, Sacred, and Inalienable, either by Contract or Prescription: To the end that Princes should not be forc'd (through Necessity) to overcharge their Subjects with Imposts; or to seek Unlawful Ways to make them Forfeit their Goods, to supply their Necessities; most Kings and Princes being for this Reason specially Sworn and taken an Oath, when they come to the Crown, in no ways to sell, nor make away the Revenues, or the Lands of the Crown; and more particularly, the Kings of France, England, Spain, Poland, and Hungary; the which is also observed in popular and Aristocratical Estates, as in *Venice*, in the Cantons of *Switzerland*, the Senate of *Lucerne*; even in latter Times, and at this very

very Day, and at *Athens* and *Rome* it self, in ancient times as aforementioned; where, in the latter, *Themistocles*, and *Cato* the Censor, caus'd all the Publick Revenues to be Seiz'd on, while, through Tract of Time, and Sufferance of Magistrates, it had been sold unto or usurp'd by private Men; saying in their Orations, That Mortal Men could never prescribe against the Immortal Gods, nor private Men against the Common-wealth. Upon which Grounds and Reason, the Parliament of *France*, and *Poland*, and other Realms, have frequently resumed the Crown Lands and Revenues sold or given away to the Princes of the Blood, Nobles, and private Persons; such Sales and Gifts being meerly void in Law, and Destructive to the People, as you may Read at large in *Bodin's* Common-Wealth, lib. 6. cap. 2. And in Doctor *Crackenthorp's* Defence of *Constantine*, p. 169.

Having thus far Treated of Foreign Customs, now we are arriv'd at home, and shall shew what our own Statute-Laws say upon this Subject. And shew likewise, that it has been a Laudable Custom in *England* to revoke Grants, and resume Crown Lands, *exempli gratia*. See the great Resumption in *Ed. 3d's* time, and *6. Hen. 4.* were it was Enacted, That all such Hereditaments, Liberties and Customs as were belonging to the Crown in the fortieth Year of *Edw. 3.* And since by any means granted, be resumed into the King's Hands for Ever, provided that all Towns shall have their Free Liberties; which are the Express Words of the Statute.

One of the principal Ends of calling Parliaments, was for Redress of Grievances; The Parliaments in those Days did usually hear and determine the Wrongful Acts of the King, of the Queen, and of their Children; and did likewise Read Petitions, and hear Complaints against the Insolence of Insulting Imperious Ministers, against whom the Subjects could not have Common Justice, but

but in Parliament; In which high Court both Rich and Poor did use to find Ease and Refreshment, Oppressions were enquired into, grievances redressed, the State of the Realm debated, Foreigners (when found pernicious to the Peoples Rights) compell'd out of the Kingdom, the Law from the higher Sphere, to the lower Orb, handed down, with an Impartial Distribution of Justice, the People eased of Taxes, the Prerogative of the Crown, and the Rights of the Subjects asserted, Crown Lands, and Revenues resumed, corrupt and vicious Favourites punished, and all unworthy Persons removed from Court: These were the Laudable, Ancient Customs in former Parliaments. But of latter Years the Case has been much altered, and the Parliamentary Proceedings run in contrary Channels. But it is to be observed, that whenever the Natives join with Foreigners in the Dissolution of their own Rights, that then Ruin and Desolation must necessarily attend the People.

The Statute of Provisors (enacted in 25 Edw. 3. and Printed in Pulton) says, it was then Enacted, That by the Right of the Crown of *England*, and the Law of the Realm, the King ought, and is bound by his Oath, with the Accord of his People in Parliament, to maintain, and to make Remedy, in removing the Mischiefs and Damages which thereof ensue. Which Clause is most notably Expounded in the Ancient *Modus Tenendi Parliament* in these Words: *Parliamentum departiri non debet, dum modo aliqua petitio pendeat indiscussa, vel ad minus, ad quam non sit determinatum Responsum, & si Rex Contrarium permittat, perjurus est.*

And in 21 of *Ed 3.* I find in the Writs directed to all the Sheriffs of *England* this following Clause (*Et scire vos volumus, quod dictum Parliamentum, non auxilia, seu Tallagia a populo dicti nostri Regni petenda, vel alia Onera eidem populo imponenda, sed duntaxat pro Justitia ipsi populo nostro super damnis, & gravaminibus sibi illatis facienda fecimus*

cinus summo veri,) And we will give you to know (saith the King) that we have not summoned the said Parliament, in order to the Demand of any Subsidies and Taxes, from the People of our said Realm, or to impose other Burthens upon our said People, but only, and singly for the Administration of Justice to our said People, in relation to any Oppression or Damage to them done. This Prince that Treated his Subjects with this Sweetness, was the Great Edward the 3d. the Ballanceholder and Arbitrer of Christendom, the Vicar-General of the Empire, and a most Magnificent Monarch, at whose Royal Feet lay prostrate the Kingship of the Romans, begging for Acceptance, but would not stoop to take it up. This was the great Edward the 3d. that with small charges subjugated Scotland, cropp'd the Lillies of France, and led Captive after his Triumphant Chariot King John of France, and King David of Scotland. And to shew that his Fatherly Care, and sweet Treatments tending to the Felicity of his Subjects, did not proceed from the fawning, or Brocage of an Usurper, (as Bacon calls the popular Laws of Richard the 3d.) the Title of King Edward the 3d. was most undoubted, and his Affection to his People as questionless as his Title was true to this Imperial Crown.

If it be considered what Depredations were Committed by the Expulsion of Kings in this Kingdom, the like has not been transacted in all Europe besides; For of all the Attempts made since the Norman Conquest for the Overthrow of English Liberty, that of the Dauphin of France, when one of our Temporary Kings, was the most dangerous, and the more pernicious, by reason he entered the Land as a Friend, and not as an Enemy, but he soon under the Umbrage of the former, acted the latter.

Our English Chronicles say, The Barons invited the Dauphin

Dauphin to be Revenged of King *John*, and that the *Londoners*, in Conjunction with the Barons, Proclaim'd the *Dauphin* King of *England*. It is notable, that at his first coming, he publish'd two Declarations, in each whereof he Condemn'd King *John* and his Ministry, and promis'd that he himself would Govern *Englishmen* according to the Laws and Customs of *England*. The *Dauphin* thus by sly Insinuations wean'd the Peoples Affections, and Allegiance from King *John*, and as soon as he got Footing, and the Possession of all the Forts and Castles, an Army of Foreigners about him, and the Power of *France* to Second him, he forgot his Declarations, and of all his Promises, never perform'd one Tittle. The *English* he despis'd, and reject'd, except such Devouring Wolves, and Mercenary Persons, upon whom he prevail'd for Gratuities and Bribes, to Betray their Native Country, and to Enslave their Fellow-Subjects; the best of the *English* being Remov'd, and the worst Preferr'd, the New King thought not to leave the Name or Memory of an *Englishman* in *England*. The *English* look'd upon it strange, that a Prince of their own Invitation and Election should attempt to Invade their Rights. But the *Dauphin* would give them no reason, but daily threw them out of their Possessions, and fill'd their Houses with his Favourites and Foreigners, which Irritated the *English* against their New King, and having observ'd him prefer Tyranny to Mercy, and that in Ambition, Expences, Oppressions, and Male-Administration, he had far surpass'd King *John*, then they found the Direful Consequence of bringing in Foreigners, who upon all such Occasions, play the Waterman, Look one way, and Row another; then they concluded, that flying from King *John* for Refuge, to the *Dauphin*, was but leaping out of the Frying-Pan into the Fire; The *English* were not asleep, they had their Eyes open, and the *Dauphin* watch'd their Motion, and they watch'd

watch'd his, both being sensible of each others Hatred, which could not be reconcil'd but by Mutual Injuries.

Here the *Dauphin* and his Bloody Judges and Counsellors exerted their Power; and nothing but Blood and Murther in every Station; but in process of time the *Dauphin* found himself under as great distress, as if he had been born under the Star of *Hercules*, who when he had cut off one *Hydra's* Head, had his Labour continued by the sudden Production of many. The *Dauphin*, the faster he cut off the English, the faster they grew upon his Hands, until all declar'd against him; yet the *Dauphin* did not cease, but repeated his Crimes; Insomuch, that he, and his Wicked Favourites fill'd the Nation with feign'd Conspiracies against himself, the better to encompass the Ruine of the English, and to Murther and Destroy the best Families in the Kingdom; he caus'd Spies to be plac'd in every Family; he broke publick Unions, and dissolv'd private Contracts; he Brib'd Wives with their own Dishonour to Betray their Husbands; and Encourag'd Children with too early Hopes of Patrimony, to Ristle their Parents Cabinets, and Servants beyond Manumission, to reveal more than their Masters Secret; he punish'd the Suspicion for Manifest Crimes, and circumvented the Innocency of some, to cover his own Guilt; for all those whom he hated and fear'd, he Injur'd, and all he Injur'd, he fear'd and hated: He caus'd his Emmissaries at publick Feasts to gather up the loose Speeches of Men, made free by Excess of Wines and other Liquors, till he had caus'd the Innocent Form of Table Talk to be turned into Compacts of Treason; and had made every Man's House either his Grave, or his Prison. These are the Fruits of bringing in Foreigners to Rule over Englishmen; here the English Proclaimed, that the *Dauphin*, and all his Foreign Gabels should by a Day depart the Kingdom, which he did accordingly, and all his Grants Ex.

pired with his Reign, and reverted to the former Owners; then the Royal Right of Succession returned in the Person of King *Hen.* the 3d, and the Peace and Felicity of the People were Usher'd in with the Young *King*, who was then but nine years old; then the Crown Lands were all settled, and inseparably united to Majesty.

And to make it appear that no Honours, or Mannors of the Crown are to be alienated upon any Pretence whatsoever. Here it is to be noted, that on the 16th. of *November* 1272. Most of all the Christian Princes in the World met upon Mount *Pesseloniam*, in the Country of *Languedock*, now called *Mountpelier*, and there had mutually agreed that all the Honours, Mannors, Lands, Regalities, Homages, Liberties, and Rights belonging to all the Christian Crowns then in the World, should never be alienated, but always preserved, to maintain the Grandeur of each King in his own Kingdom, whereby such Kings may be Enabled to Live of themselves, and not be a Burthen to their Subjects. *Res quidem Corona sunt antiqua Maneria, Regia, Homagia, Libertates & hujusmodi quae cum alienentur, tenetur Rex ea revocare, secundum provisionem omnium Regum Christianorum apud montem Pesseloniam, Anno Regni Regis Edwardi Filii Regis Henrici quarto habitam, Fleta. lib. 3. ca. 6.*

It was Enacted in Parliament, in 1 *Hen.* 4. That all the Strangers, or Foreigners, who seem'd to be Officers about the King and Queen, and obtain'd large Grants by Favour, or otherwise, should by a Day depart the Kingdom, and all others of the kind, or in Conjunction with them. Whereupon Writs to proclaim the same, were, by Assent of Parliament, directed to the Sheriffs of *London*, that they should bring in all Patents of Lands, and Annuities to Foreigners, and to all other Favourites, granted by the King or Queen; and it was accordingly performed, and done

done with great Rejoycings, and high Aeclamations throughout *England*.

And in the same Year of the said King, it was further Enacted in Parliament, that all Lands, and other Profits, lett out for Life, or Years, by the King, or by his Progenitors, may be resum'd, and improv'd to great Value : And in the same Year of the said King, It was also Enacted, that all the Revenues, and Profits of the Realm, being granted since the beginning of that Parliament. may be resum'd into the King's Hands, and reserv'd to the Maintenance of his House. And in the same Parliament, the King charged the Lords and Commons, upon their Allegiance, they should particularly enquire into Evil Governments, and provide Remedy against all Oppressions, and Violations of the Law ; and bring in a List of all the Strangers throughout the Kingdom. Whereby it appears that former Parliaments have been very careful to keep out Strangers, and to resume all the Lands and Revenues, alien'd from the Crown ; and reunited all thereunto, for the better Support of our King's defraying the Publick Expenses of the Kingdom, and the easing the Subjects from Subsidies and Taxes ; as appears by 1 *Rich.* 2. The 1, 6, and 8 *Hen.* 4. The 1 *Hen.* 5. The 28, 29, 31, and 35 *Hen.* 6. The 4, 7, 8, and 13 *Edw.* 4. Neither was this a Practice peculiar to *England* alone, in those Times and former Ages, but it was universal throughout Christendom.

Our Hereditary Kings, and the good old *English* Parliaments, understood the Interest of *England* much better than to let Foreigners have any Land in *England* ; or to let fawning Favourites grow Great by the Spoil of the Publick. Our great Monarchs did usually towards the end of every Session of Parliament, return to the Lords and Commons, special Thanks for their Aids and Subsidies, tho' given in case of publick Defence, for their own and the Kingdom's Safety ; and likewise gratify'd Them

with general Pardons, answer'd their Petitions, and redress'd the Kingdom's Grievances; They confirm'd the Liberties in the Great Charter, enacted wholesome Laws, eas'd the People of Taxes, and seldom made War, or Peace, without Consulting the Great Senate. Whereby we may understand, that Parliaments in those days had a great deal more to do, than to be the Keys to open Peoples Purfes with. And that Englishmen were not Minors, but appear'd unveil'd in their own Colours; They wou'd not be kept in the Dark, but were their own Agents and Ambassadors, and made their own Conditions at home and abroad: They knew their own Interest so well, that they did not believe English Liberties well secur'd, but when in English keeping: They did not look on it as good Policy, upon every Mutation or Whirlwind of State, to fill their Mansions with foreign Faces. The Kings of England, in those days, were Famous, and Victorious, and had none in their Council, but English, who made it their Study as well as Interest, to promote the Honour of England alone, and to keep a fair Correspondence abroad: But the Policy of the last Reign, differ'd and degeneratcd from the Old, to the Damage of all honest Englishmen.

Our Ancestors took so great Care to keep the Coin within the Kingdom, that in the 4 *Hen.* 4. It was enacted in Parliament, every Merchant Stranger, bringing in his own Goods, be bound to by English Commodities, to half the Value of his own. And that the Money for the other part should not be carried out of the Land, but be remitted by Letters of Credit, or Bills of Exchange. And the good old Parliaments were so tender and careful of preserving the Crown Lands and Revenues, that in the same Parliament, and in the same Year of the same *King*, it was enacted, that all the *King's* Grants of his Lands in *Wales* and elsewhere, bore sum'd.

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And if the Gentlemen concern'd in the new Grants, had but taken a Survey of the Rolls of Parliament, in the Reigns of *Edw. 3. Rich. 2. Hen. 4. Hen. 5. Hen. 6. Edw. 4. Rich. 3. and Hen. 7.* Common Prudence, as well as Justice, would have taught them much better Maxims of State, than to impose upon a Prince of the People's Election. Considering how much Kings of the Succession (Princes of full Right) have been infatuated to Destruction, by the pernicious Councils of Favourites: And 'tis worthy the Observation, what Ends such Favourites have made themselves; and how that by Succeeding Parliaments, such pernicious Counsellors, have been prosecuted, condemn'd, sentenc'd, and executed: And how that in *1 Hen. 4. 33.* Articles were brought most unjustly against *Rich. the 2d.* wherefore he was depos'd. The first whereof take in his *Verbis*, for *wasting and bestowing the Crown-Lands upon Strangers, and other unworthy Favourites, and for overcharging the Commons with Taxes:* By the Word *unworthy*, is understood, that no Person of any Degree, or Rank, whatsoever, shall be thought worthy of the Crown Lands, except the King, Queen, and their Children.

It was farther immediatly Enacted, that all the Grants made by *Richard the 2d.* of the Crown-Lands, and of the Principality of *Wales*; together with all the Releases, and Debts due to the said Principality, the Duchy of *Lancaster*, and Earldom of *Chester*, be void. And the Act of Parliament by the same King *Richard the 2d.* against the Revocation of all Grants made by himself was likewise Repealed by the same Parliament, so that by what was rehearsed before, it has appeared that no King of *England* can grant the Revenues from the Crown, or turn out of Possession of his Free-hold, or disinherit any Subject, but by the Law of the Land; That is to say, by Judicial Proceedings, in the Common Courts of Justice,

Justice, according to Statute or Common Law. And these Courtiers that Preach any other Doctrine, do not a little mistake the Interest of their Masters, and are so far from exalting their Honour, Fidelity, Grandeur, and Prerogative, that they make them no *Kings*; For as *Bracton* saith, *Non est ubi dominatur voluptas*, 'Tis not a *King* where Will and Pleasure bear the Sway. For it is the Happiness of a Prince to do, but not do what he pleaseth; and when Statesmen share in the Spoil of the Publick, they become the Hatred of the People, and generally throw the Odium of their own pernicious Counsels upon their Lord and Master, and by such their Practices they entail a black Train of Calamities upon the People, which creates Changes and Mutations in the State.

And if Matters be impartially consider'd, a Review of the English Chronicles will make it obvious to all People, that Foreigners and Usurpers have committed more Depredations here, than all the Hereditary *Kings* and *Queens* of England, &c. from the 1st of *King William* the First, to the last of *William* the 3d. and shew how our Ancestors labour'd against all such, as well in the Defence of their Liberties as also to free the Nation from Insulting Strangers as in the Case of *Stephen*, who having Usurp'd the Crown from the Empress *Maud*, brought in the *Netherlanders*, and gave large Territories in England, which so incens'd the Natives against *Stephen*, that as soon as he was dead, he was declar'd an Usurper, all his Grants revok'd, and the *Netherlanders* expell'd the Kingdom by *King Hen.* the Second.

Hen. the 3d. was address'd in Parliament to Banish his half Brother, who was a Foreigner and an Impeirious Prelate, who having introduc'd so many Foreigners into that King's Favour, that he was for a Time Govern'd by them, which gave the Foreigners an Opportunity to discover the Secrets of State to the Enemies of the *King* and *King*.

Kingdom. And the Prelate being their Chief Instrument, was with the Foreigners Banish'd, and all their Grants resumed. The Prelate went to *Rome*, in whose Favour the Pope interceded, had his Banishment taken off; and in his return for *England*, he died by the Way, which did not at all affect the Nobility and Gentry. *Rich.* the 1st was address'd to Banish his Nephew the Duke of *Saxony*, and all his *Germans*, to which that King assented, and recall'd all their Grants.

Edw. the 1st totally and finally Banished the *Jews*, Seiz'd all their Usurious Money, and by an Act of Parliament, made in the 18th year of his Reign, as it was made Death for any *Jew* to be found in *England* after a Limited Time; by which time, 16511. *Jews*, Men, Women and Children, in one Weeks time were expell'd the Kingdom, which Statute is in force to this Day, and thereby all the *Jews* in *England* are depriv'd from all Benefits of the Laws of this Land, and by the said Act declar'd Traytors in this Kingdom.

Edw. the 2d. was often address'd to Banish *Pierse de Gaveston*, a Gentleman in those Days of Prime Quality of *France*; and who having got himself so deeply in the Favour of that King, was more than half King himself; he lavish'd a great Quantity of the publick Treasure, and did put that King upon many Extravagancies, to the great Detriment of the *English*. But the latter got the former under a double Banishment; and *Gaveston* having return'd again, the Barons without Consulting King *Edw.* the 2d. Cut off *Gaveston's* Head at *Scarborough Castle*; and all the Grants made to him and his, reverted to the Crown.

Edw. the 3d. had a Crowd of *Bohemians* about him, and being address'd to Banish 'em, he accordingly commanded 'em all to be gone by such a Day, and go away they did; and all their Grant were Resumed and rd
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verted to that King. And as for *Rich. 2. Hen. 4. Hen. 5.* and *Hen. 6.* their Resumptions in the like Nature are mention'd in the foregoing Discourse. And the very Settlement of the Succession made by *Hen. 4.* in the first year of his Reign, was declar'd Null the 39th of *Hen. the 6th,* which was as followeth:

Upon the 16th day of *Octob.* in the said Year and Parliament, the Counsel of the Duke of *York*, exhibited to the Lords in full Parliament a Writing, touching the Right and Claim of *Rich. Duke of York* to the Crown of *England*, and Lordship of *Ireland*, the which Lords upon Consultation, will'd to be read amongst them, but not to be answer'd without the King.

The Title deriv'd the Pedigree from *Hen. 3.* and proving himself of the right Line from *Lionel Duke of Clarens*, the third Son of *Edw. 3.* and next sheweth himself to be Indubitate Heir of the said Crown before any of the Line of *John of Gaunt*, the 4th Son of *Edw. 3.*

The Lords upon Consultation declar'd this Title to the King, who will'd them to call the Justices, Serjeants and Attornies to answer the same, and Order was taken, every Lord therein frankly to utter his Conceit without any Impeachment unto them. In the End there was objected against the Duke's Title, as followeth:

1. The Oath of Allegiance made to the King by the Lords and the Duke.
2. The Acts of Parliament sunderly made against the Title of the Duke.
3. Sundry Acts of Intail made of the Crown of *England*.
4. That the Duke pretending Title from *Lionel Duke of Clarens*, should rather bear his Arms than *Edmond of Langley's Duke of York*.

Item, That at what time *Hen. 4.* took upon him the Crown of *England*, he took the same as right Heir to *Hen. 3.* and not as Conqueror.

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The Answer of *Richard Duke of York*, to the Objections afore said.

First, That no Oath being the Law of Man ought to be performed, when the same tendeth to the Suppression of Truth and Right, which is against the Law of God, and therefore void in it self.

To the *Second* and *Third*, he knoweth of no other Act of Intail, than one made in *Anno 1. Hen. 4.* touching a general Intail, which they said was done by a wrong Doer, who had no Right or lawful Title; For if he had any Right to the Crown, he neither needed nor would borrow any Title from the People who had none in them, nor would have made any such Intail, and therefore that he could convey no more than what he had in himself, which was nothing at all, *Nemo* (says he) *poteſt plus in alium transferre quam ſibi competit, & quod ab initio non valet proceſſu temporis etiam longiſſimi non convaleſcit, & injuſte poſſidentur que ex juſto titulo Ipſa Cauſa & bona fide non poſſidentur. Cod. de rei vindicatione. 24.*

To the *Fourth* he might have bore the Arms of the Duke of *Clarence* and of *England*, only he forbore the ſame for a time, as he did his Claim to the Crown, which he ſaid, was lawful by his Birth-right.

The *Fifth* was a manifeſt and approved Forgery and Nontruth, which only ſeemed to Cloak and Shadow over the violent Uſurpation of *Hen. of Derby*, who had taken all the crafty Courſes he could invent for to ſupport his uſurpt Pretenſions.

After all which, the Lords adviſed this Order, that King *Hen. the 6th.* ſhould enjoy the Crown during his natural Life, and that the Duke of *York*, (whom they ſaid) was the lawful Heir of the Crown, to ſucceed after him, and appointed the Chancellor ſhould declare this to the King.

Whereupon *Rich. Duke of York's* Pedigree and Title was again repeated and recorded, and King *Hen. the 6th.*

who was then the Yeigning King, gave full assent in Parliament, to exclude all the Issue of his own Body, to make way and give right to the lawful Heir of the Crown; and an Accord between King *Hen.* and the Duke of *Tork* was made in manner following:

First, That the King during his natural Life, should enjoy the Crown, and the Pre-eminence of the Yealm of *England*. *Secondly*, That the said Duke, the Earls of *Marsh* and *Rur-land*, the Dukes Sons, should be Sworn, by no means to shorten the Days, or impair the Pre-eminence of the said King, during his natural Life. *Thirdly*, That the said Duke be henceforth reputed and insisted upon to be the very Heir apparent of the Crown, and to enjoy the same immediately after the Death or Resignation of the said King, to which all Parties agreed. And lastly, it was declared, that *Hen.* of *Derby* was King *de facto*, and that he had no Right in him to convey or to entail the Crown or Kingdom, and that he could not lawfully nor rightfully do it, and therefore his Act of *Intail* was made void in that Parliament.

By the rehearsed Parliamentary Proceedings it appears, That this is a Hereditary Paternal Monarchy, govern'd by one Supream Independent and indeposeable Head; and declares the Royal Succession to be from the Father to the Son, and to his Heirs, and for want of Sons and their Heirs, to the eldest Daughter and her Heirs, and so to the Second, Third, Fourth, and so forth, till the Expiration of the Zoyal Line. Some sort of People in this Kingdom challenge a limited Monarchy, and the Benefit of an original Contract between King and People.

To answer which, By the Doctrine of Sir *Edward Cook*, *William* the Conqueror had all the Lands in *Demesne*, reserved to himself and his Heirs for ever, what Mannors, Honours, Lands and Royalties he thought fit, and gave the rest to his Subjects, clog'd and incumbred with Duties and

and Services, and oblig'd 'em to defend the Kingdom at their own Expence and Charge.

And Sir *Edward Cook* in another Place, says, That it appears by the Laws of King *Alfred*, the first Kings, had all the Lands in *England* likewise in *Demesne*, reserved to themselves what they thought fit, and enfeoffed the Barons with such Jurisdictions as the Court Barons now enjoy. See *Inst.* the 1st. Fol. 48. If what Sir *Edward Cook* says be true, it leaves no sign of an original Contract, or of a limited Monarchy : But to the contrary, it is to be infer'd, that no Subject holds any Lands but from the Kings of *England*, and conditionally in all Cases of National Danger to defend the King and the Yealm, and the Kings of *England* having given the Lands to their Subjects, gave them the form to hold 'em ; and 'tis a certain Rule, That that which gives the Form, gives the Consequence of the Form, and therefore it necessary follows, that the Privileges, Liberties, and Properties are the Consequences of that Form, which all flow from the Kings and Queens of this Kingdom, and leaves the People no share in the Sovereignty or Yegal Authority. Some will say, that *Magna Charta* is the original Contract ; With submission I believe not : *Magna Charta* begins thus, *Henry, By the Grace of God, &c. Know ye that we of our meer and free Will have given those Liberties.* And in the same Stile runs *Charta de Foresta*, and tells us the King is the Founder and Author ; and that both proceeded from Grace and Favour.

If the original Contract so much of late Days spoke of, was in the time of the *Britains*, it was subdued to the *Romans*, if by the *Saxons*, it was subdued to the *Danes* ; and if by the *Danes*, it was overcome by the *Normans* ; for as every Conquest alter'd all Possessions and Properties, so it alter'd the Laws and Customs of the Kingdom, and

over-ruled all former original Contracts, if ever any such hath been; and impower'd the Conqueror (by the Laws of Conquest) to make his Grants as he pleased, and the *Right* of the Crown having devolv'd from Conquest to Succession, the Successors of the Conqueror carry down with them as much *Right* and *Authority* as the Conqueror first had himself, and the Grants made by such Successors, shall be of as great Force as those made by the Conqueror. But where the *Right* devolv'd from the *Peoples* Election to Succession, the Successor shall carry down with him no more *Right* than what his Ancestors had received from the *People* at the first Election, and his Grants shall expire with his *Reign*, unless before his Exit confirm'd by the Estates of the Elective Kingdom, whereof he was King. Some *Philosophers* have deliver'd an Opinion that all Governments are for the Benefit of the Govern'd and not of the Governors, whence they infer that from the Nobility of the end, the govern'd are Superior to the Governors, which all Civilians thus allow, and contradict, saying, That some Governments are for the good of the Govern'd, that there are other Governments for the good of the Governors; and that other Governments there be, which are for the mutual Benefit of the Governed and Governor. But Note here, that where the Government is entirely for the good of the Governor the Grants of that Governor are absolute and irrevocable: But where the Government is for mutual Benefit, the Grants must be by mutual Consent of the Governor and Governed, and not by one, without the other. But in Kingdoms acquired by War, the Right is got by Arms, according to *Alexander* in *Curtius's* Laws which, (says he) are given by the Conqueror, and received and obey'd by the Conquered; which in Conquered Kingdoms make for the Governor against the Governed; and such a Right devolv'd from Conquest to Hereditary Succession admits of the

the highest Dignity, and according to *Aristotle*, is Heroical, as Subservient to none, for that he is much greater to whom perpetual Right belongeth, than he unto whom a Temporary or an elected Right is given by the *People*, unto which *People* he must be Subservient, because his Diminutive Power, his Grants, and the manner of his Tenure, are of no moment in respect of the Grandeur, Majesty, and Dignity of the other: For a Prince set up by the *People* without any Right or Power in him, any more than what he might have received from the said *People*, is but in the nature of a Trustee for the said *People*, is obliged either to Execute the Trust in his own Person, or to resign it; but if he should violate the Trust, his Empire shall cease, and he shall descend to a private Man; But a *Prince* who ascends the Throne in his own Right, independant of the Will of his Subjects, can forfeit nothing to them; because where Trust is not reposed, there can be no Breach of the Trust. But in Elective Kingdoms, where the *Prince* is limited by Articles before his Accession to Dominion; if ever he violates the Articles, his Empire shall cease, because that by the Articles, there is some natural Liberty exempted from the Regal Power, which intitles the *People* to a share in the Sovereignty; and upon Breach of the Articles, they may challenge the whole, as it happened in the Case of *Pausanias* the elected King of *Lacedemon*, who for invading the original Articles, and for some Corruptions, was put to Death by the Senate.

But on the other Hand, if the *Prince* before his Election be not limited by Articles, under his Hand and Seal, he may Rule absolutely, for he is not to be molested, nor to be bound, after he enters upon Dominion; for he must be bound before, or not at all; This was the Case of *Valentine* the Emperor, who being Elected to Empire by the Soldiers, they would then give him a Companion in the Empire, but they spoke too late; and to be brief he

he told them, their Duty was to obey, and that his Right was to Command; and all the Grants made by *Valentinian*, and by *Pausanias*, which were not confirmed by the Senates, were declared void after their Death.

Some will compare King and People to Tutor and Pupil, the Comparison is odious: But it is true, that Tuition is a Right and a Power over the Pupil: But a Tutor having a Superiour over him, might for Mismanagement of the Pupil's Estate, be removed from the Pupil, which hath no Relation in the least to King and eople. Because that which affects the Tutor, cannot affect the Prince, nor take Place upon a King, who himself is Superiour to all under God. And with such a King there must be no sharer in Empire, according to old *Horace*. *Regum Timendorum in proprios greges, Reges in ipsos Imperium est Fovis.*

Hugo Grotius clears the point 'twixt a Hereditary King, and a Foreign Invader; *Sane cum Rege initum fœdus manet, Etiam si Rex idem aut Successor Regno a subditis sit pulsus. Jus enim Regni penes ipsum manet, utcumque possessionem amiserit.* The League remains with the King, and if the same King or his Successor be driven from his Kingdom by his Subjects, the Right remains in the King, however he lost the Possession of the Kingdom. *Cap. 16. Sect. 16. and Sect. 17. in the same Chap. Contra, Si alieni Regni invasor volente vero Rege, aut oppressor populi liberi antequam Consensus accedat, bello impetatur, nihil eo fiet Contra fœdus, quia hi possessionem habent, Jus non habent.* On the contrary, if the Invader of anothers Kingdom, the rightful King being willing, or the Oppressor of a free People (before he hath got sufficient Consent of the eople) be assaulted by War, nothing will be done thereby against the League, Because they have possession, they have not Right: *Qualitates autem istæ in federibus Regis successoris & similes jus proprie significant, et odiosa est invasorum Causa.*

sa. Those qualities of King and Successor (said he) and the like in Leagues do properly signify a Right, and the Invader's Cause is odious. This was a Case which not long since might have admitted of some Dispute, if Power had not overcome Right; where the Invader got the Possession, but the Right remained where it should be, which left the Invader none at all; and the Grants of all such carry in 'em no more Right than the Invader had in himself; and that being nothing, it is certain that out of that nothing, nothing could be. The cause of a Foreign Invader not having the Right of War, is odious to the Laws of Nations, and was condemned by *Valens*, who refused the Excuse of the King of the *Goths*, for his having given Aid to *Procopius* an Invader, for which *Amianus* likewise censured the said King.

And as for the Lawyers who argued in Favour of the late pretended Abdication, they wou'd not seem to be satisfied with the Exclusion of King *James* only, but would have all his Family anticipated and extirpated; in order to which, a vacant Throne and an *Interregnum* were declared against the Constitution and very Essence of the Monarchy; some of those Lawyers are principally concerned in the *English* Grants in Conjunction with other late Favourites and Foreigners, who were all equally interested in rooting up the Monarchy, and in the extirpating of all civil Rights; having made it their whole Business, Study, and Interest to supplant *English* Natives, and make themselves the Masters of their Lands and Possessions, for nothing ever appear'd to the Contrary; but that those *Dutch* and *French* came over for no other Intent but to enslave the People, and trample upon the Rights and Liberties of *Englishmen*; and as for these *English* Favourites in the last Reign, none exclaim'd higher against King *James* and his Ministers, than they for Religion and Liberty, they pleaded aloud, until they had blown up the Government: But
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when they got a Prince for their own Purpose upon the Throne, instead of the little inferiour Men before the Revolution; we had them trump'd upon us Ministers of State, and all the former Pretence of Religion and Liberty laid aside, then the Divinity and the Divines Ran Counter, and the Laws turn'd in contrary Channels; and whilst we expected to have enlargement of new Liberty, they fetter'd the old, so that nothing was so certain as Imprisonment, Banishment, Chains and Fetters, and thus we were delivered by a new Sav —, from the Cruelties attributed to King *Jam.s* the 1st. And 'tis farther observable, that all the popular Champions composed of Natives, and Foreigners in the last Reign, voted as often as occasion offered, for a Court Faction against the publick Interest of the Nation, which is very well known to the better part of the Lords and Commons in both Houses of Parliament; which should rather oblige the Grantees to Account for the mean Profits, than expect a Confirmation of their late Grants from an injured Princess, and a much abused People.

An injured Princess, and a much abused People, I say, and all the World must allow it; a *Princess* who with her Family suffer'd the most of all the Families in *Europe* by an open Invasion of all their Rights contrary to all Laws, and a much abused People without any Exceptions; for certainly there could not be a greater Abuse upon any Nation in the Universe, than to exhaust her Treasure, and squander away Above Sixty odd Millions Sterling in a Loitering War, which return'd to no other Account, but *them* so much lost.

By her Majesty's Accession to the Imperial Throne of her Royal Progenitors, the Hereditary Kings and Queens of *England*, God has been pleased to free us from a Foreign Yoke, and to restore the Blood of our Kings to rule over us, and to pour such Blessings upon her Majesty's
Arms

Arms in the first Ten Months of her Reign, with little Expende and render'd more to retrieve the Honour of *England*, than ever *William* the 3d. did at the the Expende of about 70 Millions Sterling throughout his whole Reign, which makes a vast Difference 'twixt being Govern'd by an *English* Born Princess, and a Foreigner; the latter Progress'd abroad, but the former does good at home.

Let Whigs and Fanaticks boast never so much of *William* the 3d. It cannot be denyed, but that he owed more to the Parliament of *England*, than to his own Policy or Conduct: As for his Conquests Abroad, they were never frequently known; neither did he in all his time bring home more Trophies, Honours or Triumphs; than he had extraordinary Sums to accomplish. But mismanagement with the ill Success of his Arms, shew'd his Conduct was weak, or that his Council was naught.

The Imprudent Policy of the best of Princes, King *Charles* the 2d. has contributed to the Misfortune of his own Family; he left well Deservers to go with the Satisfaction of their own Consciences, and with the hopes of a Reward in the next World. Whereas, had not that meek Prince by evil Council render'd his Enemies preferable to his Friends, there would be no Round-Heads, nor the Race of 'em left in any Station, to plead a vacant Throne, or an *Interregnum*; no, nor would there be any necessity to Resume those Grants, nor to have the Land incumbered with Foreigners; But Providence has order'd things to the contrary, and sheweth that Statesmen are sometimes out of their Politicks.

And thus Heaven Ridicules the Vanity of Princes, and sends sometimes the worst Thought of Men to Rule over an unsatiable People; baffles the Policy of the one, and burthen's, and enslaves the restless Spirits of the other; and sometimes Providence to exert its own over-ruling Power, shews Humane Policy to be short-sighted, where the latter requires

the Native Inhabitants to be Dispossess'd and Exil'd to make Room for Foreign *Needymites*, who, with those in Conjunction them, are like the *Exhalations* of the Earth, when they are rais'd to the height and brightness of the Stars, which portends Ruine to the greatest Persons and best Families: Even so, Inferiours when Elevated to Power, ascend so high, till they become boundless in Ambition; and then they conspire against the best Persons, and are commonly so Desperate in carrying on their Designs, that they hazard sometimes their own Lives to gain their Point; which if they fail, they will be apt to to Ruine all by their Fall, that an universal Flame might be kindled by their Funeral Pile.

And now to come to a coeclusion; from what was said before, it is certain that where a prince hath no Hereditary Right or Title, he can neither nor convey any Hereditary Right or Title: And *William* the 3d. being that *Prince*, makes all his Grants of no Value. Secondly, *William*, the 3d was a King set up by *Parliament*; and could not pretend to make any Grants of Lands to be transmitted to *Posterity*, but with the Consent of *Parliament*; having no such Consent, makes all his Grants void, as those of the 3 *Henries* so declared in the 1st of *Edm.* the 4th. Thirdly, those Grants were surreptitiously and surprizingly obtained against the Authority of *Parliament*, as appears by the Votes for having all the Forfeitures converted to publick Uses: But the Grantees by an over-ruling Interest, procured the said Grants, which should render all the Daters, Sealers, Keepers and Ministers concern'd, equally accountable for looting the publick. And as every King set up by Senate or *Parliament*, is Responsible to that *Power*, being but in the nature of Trustee for the *Publick*; and *William* the 3d. having neither Right or Title, but what had had from the *Parliament*, oblig'd him to go no farther in the Exercise of his *Power*, than the *Parliament* should direct

rect, and the Parliament having given Directions to have those Forfeitures to the use of the Publick, It was not afterwards lawful for *William* the 3d. nor for his Seal-bere, and Daters, to convert the said Forfeitures to the Use of obscure private Men; because all Grants of Lands from all Kings, shall be void, if not granted according to their Will express'd in their Laws; and these Grants being not such, renders 'em all Abortive.

Perhaps some violent Whig might put the following Question, after this manner; How can you deny a Right in *K. William*, and allow a Right in *Queen Anne*? By what you have said of the Line of Succession before, the Son is preferable to the Daughter; and by what Right then can the Daughter Rule, and not the Son.

To which is answered, that by the Policy of *W*———, to screen himself, he got the Sⁿ Excluded, Attainted, and Abjur'd, whether rightfully or wrongfully, is not the Question: But if rightfully, the Daughter stands where she should in her own Right, descended to her from her Father.

And on the other hand, if the Son was wrongfully excluded, the Queen had no share in the Exclusion; but it was one of the Legacies of *William* the 3d. to his sⁿ———, having resolv'd a little before his Exit, to be as kind to the Sⁿ, as he was to the Father and Family. The State of Affairs now well consider'd, future Ages will not only applaud the Queen, but will render it the most glorious Action of her Life, to take the G———t upon her, for the 3 following Reasons: *First*, to keep the Monarchy entire: *Secondly*, to keep the Crown, the Royal Authority, and the Power in her own Blood and Family; and *Thirdly*, to keep St———rs out of the *English* Throne.

And as for the Grants of Lands, made by our Hereditary Kings, (excepting those of the Crown) they are as Irrevocable